

Interview Summary

On March 4, 2010, Examiner Chui kindly granted Applicant's attorney a telephonic interview to discuss further aspects of the current Office Action (dated 12/10/2009). The issues discussed involved additional amendments the Examiner indicated would place the pending claims in condition for allowance and result in rejoinder of the claims earlier withdrawn. The major thrust of the amendments discussed involved the replacement of the open ended term "comprising" with the partially closed term "consisting essentially of." The remaining amendments primarily involved cleaning up the claim language and amending the specification to properly support originally filed claim 31. The amendments provided herein are believed to comply with those discussed with the Examiner during this telephonic interview. Applicant thanks Examiner Chui for her assistance and for her helpful comments.

Remarks

Claims 1-6, 10-12, and 15-25 are pending in the application. Claims 7-9, 13, 14, and 26-32 are withdrawn from consideration, subject to being rejoined in view of the amendments submitted herein.

(a) The amendment to the specification was made to support claim 31, an originally filed claim. This amendment is supported by currently pending claim 31, a claim that was included in the originally filed application.

(b) Pending claims 1, 2, 10-12, 17, 19, and 21-24 had been rejected under 35 U.S.C. §103(a) as being obvious over the earlier cited art. Applicant's response filed on January 12, 2010, addressed these rejections over the cited art in detail. Applicant has not received a detailed response to those arguments at this time. The amendments provided herein are being provided solely to further the prosecution of this application. Applicant respectfully maintains the positions taken in the January 12, 2010, Office Action response.

In view of the Examiner's indication that the withdrawn claims would be rejoined, provided the amendments discussed were made, amendments to the earlier withdrawn claims are included. The following outlines the specific amendments provided:

(i) In claims 1, 2, 10-12, 17, 19, and 21-24, the word "comprising" has been replaced with the phrase "consisting essentially of."

(ii) In claims 7-9, 13, 14, the word "carboxylic" was inserted between the word "organic" and the word "acid" for clarification.

(iii) The method claim 27 was amended to require the composition specified to comply with the composition of claim 1.

(iv) The remaining amendments to the pending claims involved the grammatical changes and the like to resolve objections noted by the Examiner during the telephonic interview and are not of a substantive nature.

(c) Applicant understands the transition phrase "consisting essentially of" to have the meaning provided in MPEP § 2111.03 in that the phrase "...limits the scope of a claim to the

specified materials or steps ‘and those that do not materially affect the basic and novel characteristic(s)’ of the claimed invention.”

With the rejoinder of claims 7-9, 13, 14, and 26-32, claims 1-32 will be pending in this application. The amendments provided are intended to be consistent with those discussed with the Examiner in the most recent telephonic interview. In view of these amendments, the Examiner is requested to allow claims 1-32 and pass the case to issue. If the amendments provided are not consistent with those agreed to in the most recent telephonic interview, the Examiner is encouraged to contact applicant’s representative as quickly as possible by telephone to clarify matters.

Respectfully submitted,

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